



Federal Communications Commission
Washington, D.C. 20554

DA 11-2051

December 22, 2011

Wesley M. Mays
142 Juniper Court
Coppell, Texas 75019

Re: Petition for Reconsideration of Dismissal of Application File No. 0004763519

Dear Mr. Mays:

This letter is in response to your petition for reconsideration of the dismissal of the above-referenced amateur vanity call sign application. We have reviewed the matter, and conclude that the dismissal was consistent with the Commission's Rules. For the reasons discussed herein, we deny your petition.

On March 17, 2011, you were issued an amateur station license with sequential call sign AE5XC. On April 4, 2011, you filed a vanity call sign application to modify your license to list call sign N5WM, W0MZ, or WM2W.¹ The application was granted and your license was modified to list call sign WM2W on April 22, 2011.

On June 1, 2011, you filed a vanity call sign application to modify your license to list call sign N5HK or W5LH.² On June 14, 2011, you filed the above-referenced vanity call sign application to modify your license to list call sign N5TD.³ The earlier application was granted and your license was modified to list call sign N5HK on June 21, 2011. On July 2, 2011, your application for call sign N5TD was dismissed as defective on the grounds that the call sign of the license to be modified, WM2W, was no longer in active status.

On July 11, 2011, you requested reconsideration of the dismissal. You argue that the dismissal was improper because the application for call sign N5TD was "filed appropriately and in good faith," and you request that the selection process for call sign N5TD be reopened.

We conclude that the application was properly dismissed. A vanity call sign application is an application to modify an amateur radio station license.⁴ Section 97.19(d)(1) of the Commission's Rules states, among other things, "The applicant must request that the call sign

¹ FCC File No. 0004677190.

² FCC File No. 0004749592.

³ FCC File No. 0004763519.

⁴ See 47 C.F.R. § 97.19(a), (b).

shown on the license grant be vacated and provide a list of up to 25 call signs in order of preference.”⁵ At the time your application requesting call sign N5TD was processed, you were licensed under call sign N5HK; the call sign on the application, WM2W, was no longer “the call sign shown on the license grant.” Applications generally are handled in accordance with the conditions prevailing at the time the application is processed.⁶ Consequently, we conclude that your application for call sign N5HK was properly dismissed as defective, and there is no reason to reopen the selection process for call sign N5TD.⁷

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Wesley M. Mays on July 11, 2011 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁵ See 47 C.F.R. § 97.19(d)(1).

⁶ See, e.g., *Nextel Communications, Inc., Order*, 10 FCC Rcd 3361, 3364 ¶ 20 (WTB 1995).

⁷ We realize that the Commission’s vanity call sign application processing procedures leave the possibility that an applicant will have an application pending when a call sign that the applicant finds more desirable becomes assignable. If this occurs, the applicant has the option of withdrawing the first application so that the application for the second call sign will be processable.